

NEW YORK HERALD.

JAMES GORDON BENNETT,
EDITOR AND PROPRIETOR.

OFFICE N. W. CORNER OF FULTON AND NASSAU STS.

Volume XXVIII.—No. 33

AMUSEMENTS THIS EVENING.

NIBLO'S GARDEN, Broadway.—LEAS, THE FORKMAN.

WALLACK'S THEATRE, Broadway.—CENTRAL PARK.

WINTER GARDEN, Broadway.—ADVOCATE'S LAST CASE.

LAURA KENNE'S THEATRE, Broadway.—SUNDAY.

NEW BOWERY THEATRE, Bowery.—COLUMBIAN BAY.

BOWERY THEATRE, Bowery.—THEODORE—JACK AND

THEATRE FRANCAIS, Niblo's Saloon, Broadway.—

BARNUM'S AMERICAN MUSEUM, Broadway.—MIL

WOOD'S MINSTREL HALL, 214 Broadway.—ETRIPIAN

CLINTON HALL, AMOY PLACE.—MESSRS. BRITAIN AND

BROADWAY MENAGERIE, Broadway.—LIVING WILD

AMERICAN MUSIC HALL, No. 444 Broadway.—SAL

MOORE'S OPERA HOUSE, Brooklyn.—ETRIPIAN

New York, Tuesday, February 3, 1863.

THE SITUATION.

The latest news from Suffolk represents that the

enemy was last night in force between sixteen and

seventeen miles from there this side of the Black-

water. Our troops had taken every precaution to

attack him again should he advance further to-

wards Suffolk. There is now no evidence that an

engagement will ensue immediately.

Our correspondence from that quarter to-day

gives a full detail of Gen. Corcoran's plan of op-

erations in the recent battle, and gives credit to

the skill of the commander and the valor of the

men.

With regard to the reported disabling of the

Union iron-clad Montauk, in the Ogeechee, off Port

McAllister, there are two very different versions

abroad. The Richmond and Savannah papers say

that the Montauk came up to the fort in fine style,

and that she was the only boat engaged. Their

shell and shot were broken to pieces as they struck

her sides, but her turret was so badly injured that

she had to haul off. The other in the meantime

remained below a bend of the river, entirely

out of action. On the other hand, the Navy

Department received a despatch last night from

Fortress Monroe, stating that there is no

truth in the report that the Montauk was disabled;

that Commander Worden lay under the enemy's

guns for four hours, and that their shot had no

more effect upon his vessel than hail stones.

Nothing had been heard at Port Royal of the

capture of the gunboat Isaac Smith in Stono river.

In addition to the news we gave yesterday re-

lative to the reported destruction of the Oreto or

Florida, we have since learned that a leading mer-

chantile house of Havana sent word off to the

Columbia, as she was about leaving that port, that

the rebel vessel had been destroyed.

It is stated, upon the authority of the Richmond

Whig, that the British steamer Princess Royal was

surrounded and captured by a fleet of Union gun-

boats while attempting to run the blockade into

Charleston on Thursday, with a valuable cargo

from Halifax. She had on board six hundred bar-

rels of powder, two Armstrong guns, a large lot

of machinery, eight hundred and eighty bales of

sheet iron, one steam bakery, one hundred and

fourty-four bales of hardware, ninety-five cases

of boots, two hundred and twenty-nine bags of

coffee, five hundred boxes of tin and other valu-

ables. A party of English workmen, skilled in the

manufacture of projectiles, were captured with the

vessel.

The port of Galveston had been declared open

to the trade of all nations friendly to the South by

a proclamation of General Magruder's, which he

sent forth under a neutral register to a neutral

port. The merchants of these friendly countries

are invited to resume their usual commercial in-

tercourse with the port, now that it is in the pos-

session of the rebel forces.

Despatches from Morehead City, North Carolina,

say that the great Southern expedition is now

ready, and that the waters between there and

Beaufort are black with vessels of all kinds, which

are only awaiting the abatement of the severe

gale which has been prevailing for the past five

days to take their departure for their destination.

The army is in a splendid condition and in the

very best of spirits. They are eager for the coming

fray, with all its flattering prospects of success.

The enemy are terribly flustered and are trembling

with fear; for they know the storm is coming.

Jeff. Davis had a conference last week with

Governor Vance, of North Carolina, upon the re-

lationship of that State with the Southern Confed-

eracy, meeting him for that purpose at Franklin

Depot, Virginia, on the Blackwater. Governor

Vance plainly informed Jeff. Davis that North

Carolina would insist upon the reserve and recall

of an adequate force for the protection of North

Carolina from any further Union advances. North

Carolina has now eighty thousand troops in the

rebel service.

CONGRESS.

In the Senate yesterday a communication was

received from the President of the Smithsonian

Institution, suggesting that George E. Badger, of

North Carolina, ought no longer to be a member

of the Board of Regents, as he had not attended

any of the meetings, and was, moreover,

in the rebel army. The petition of Madison Y.

Johnson was presented, setting forth that he

was arrested in August last by order of the

Secretary of War, and imprisoned until the

13th of September, and that no reason was

ever assigned for the arrest or discharge. Mr.

Richardson moved for a select committee to in-

made, what was the reason for such non-payment.

The bill making appropriations for executive, legis-

lative and judicial expenses was passed, and the

Senate adjourned.

In the House of Representatives, the Senate's

amendments to the Army Appropriation bill, with

the exception of \$5,000 for the survey of the Min-

nesota river and the Red river of the North, were

concurrent in. The Senate's amendments to the

Consular and Diplomatic Appropriation bill were

also concurrent in. The Senate bill amendatory of

the act for the collection of direct taxes in insur-

rectionary districts was passed. The debate on the

bill authorizing the President to employ

negroes as soldiers was then resumed. After an

animated discussion the bill was passed by a

vote of 55 against 55, and the House adjourned.

THE LEGISLATURE.

Both the Senate and Assembly of our State

Legislature were in session for a short time last

evening; but neither body transacted much busi-

ness. In the Senate, a report on the assessment

laws was rendered on behalf of the commit-

tee appointed during the sitting of the last

Legislature.

In the Assembly, the Speaker announced the

committee to act in conjunction with a committee

from the Senate in the drafting of a bill for the

establishment of a State hospital and asylum for

wounded and invalid soldiers. The consideration

of resolutions on arbitrary arrests was made the

special order for Monday evening next. The an-

nual report of the trustees of the Astor Library

was received.

The two houses of the Legislature will go into

joint session to-day for the election of a United

States Senator, to fill the seat of the Hon. Preston

King, whose term expires on the 4th of March

proximo. Both the republican and democratic

members yesterday held caucuses to nominate can-

didates. In the republican caucus ex-Governor

Morgan was nominated on the second ballot. The

democratic caucus made no nomination, but ad-

journing to meet again this morning. It is not

thought likely, however, that they will nominate a

candidate. Governor Morgan's election as United

States Senator may, in all events, be considered as

certain.

MISCELLANEOUS NEWS.

The steamship Ocean Queen, Captain Tin-

klepaugh, arrived at this port last night from As-

pinwall, with advices from Central America and

the South Pacific, and \$306,000 in treasure from

California. The news by this arrival is interesting

but not important.

At the meeting of the Board of Aldermen yester-

day resolutions designating the HERALD to pub-

lish the Common Council proceedings and city

advertisements, and directing the Printing Com-

mittee to report an economical plan for doing the

printing and advertising for the Corporation, were

referred to the Committee on Printing and Ad-

vertising. A communication was received from

Comptroller Brennan in opposition to the issue of

fractional currency, which he considered a viola-

tion of law, and that he must, therefore, decline to

execute the provisions of that ordinance. The

Comptroller states that it would cost \$95,000 for

the expense of preparing the plates. The Compt-

roller also says that he is opposed to the purchase

of the Fort Gansevoort property, as he considers

the title is not good, and his convictions have been

thus formed from the fact of Mr. Draper's former

connection with the sale and purchase of that prop-

erty. The balance in the hands of the Chamber-

lain and County Treasurer on the 24th ult. was

\$1,865,048. After the transaction of some unim-

portant business the Board adjourned.

A regular meeting of the Board of Councilmen

was held last evening. Councilman Webster pre-

sented a petition from a gauger of liquors and

oils, who represented that he had been prevented

from performing some work as a gauger in Jersey

City, in consequence of his not being a resident

there. The petitioner therefore urged "on the

Common Council the propriety of protecting

gaugers resident in this city by the passage of a

similar ordinance. Referred to the Committee on

Ordinances. The annual report of the receipts

and expenditures of the Cooper Union for the year

1862 was received, and shows that the total re-

ceipts (including a balance of \$937.55 from 1861)

amounted to \$19,453.82. The expenditures amount-

ed to \$19,276.50, leaving a balance in the treasury

on the 1st of January, 1863, of \$177.32. The

Committee on Donations and Charities reported in

favor of donating \$96 to defray the funeral ex-

penses of Francis Kavanagh, a New York volun-

teer, who died on the 8th ult. from wounds re-

ceived at the battle of Antietam. Several members

spoke against the adoption of the resolution, on

the ground that it would form a precedent for

numberless applications of a similar nature. The

resolution was lost by a vote of thirteen in the

negative to nine in the affirmative. It was subse-

quently reconsidered and referred to the Commit-

tee on National Affairs. The Board adjourned

until Monday evening next, at five o'clock.

The Tammany Society held a regular monthly

meeting at the Old Wigwam last night, but, after

a session of some ten minutes, adjourned without

transacting any business of importance.

Mr. Wendell Phillips last evening delivered a

lecture on the "Lost Arts," at the Cooper Insti-

tute, under the auspices of the Mercantile Library As-

sociation. The hall was well filled by a very

respectable and intelligent audience.

The February term of the Court of General Ses-

sions commenced yesterday morning. Recorder

Important Measures Before Congress—A

Revolutionary Era in Our Government.

There are two important measures now pend-

ing before Congress, and a third may be ex-

pected, which, if adopted, will practically re-

volutionize the government of the United States.

We expect, too, the final passage and Executive

approval of these three measures before the

expiration of the present session. They are—

First—The financial scheme of Mr. Secretary

Chase, which substantially contemplates the

absorption of the local banks of the several

States as banks of circulation into the paper

money issues of the federal government.

Second—The militia and enlistment bill of Mr.

Senator Wilson, which provides for conferring

upon the President absolute authority over the

militia of the several States.

Third—A bill granting to the President, at

his discretion, the power of suspending the writ

of habeas corpus.

In these measures it will be readily per-

ceived that the powers over the several States

possessed by the President of the United States

will be practically the powers of the Autocrat

of the South Sea. But the plea upon which these

measures are urged—the plea of the emancipa-

tion proclamation, the dangerous and over-

whelming plea of "military necessity"—will carry

them through. Old fashioned conservatives

may say that this is the tyrant's plea of neces-

sity, for which there is no necessity; they may say

that these things create a federal dictator, and

overthrow all the checks and balances of the

constitution designed to guard the reserved local

rights of the States and of the people; but all

such remonstrances will fall, in view of the ex-

tremes to which the constitutional powers of

Congress may be strained.

Power is always stealing from the many to

the few. This is an old axiom, the truth of

which has been proved in the experience

of every nation and tribe on the face of the

globe, of modern or ancient times. We need

not, however, go further to the eastward than

Rome for a great revolutionary movement

which will apply to our present position; and

here we have a suggestive example in the

concessions of power granted by the Roman

Senate to Julius Cæsar. The democratic party around

him, alarmed at the rapid strides of the State to a

dictatorship, attempted to head it off by the

assassination of Cæsar; but the results operated

only to make "confusion worse confounded." A

dictatorial triumvirate followed, and next

another bloody civil war, and next the com-

plete triumph, under Augustus, of the imperial

establishment attempted by his uncle. So Na-

poleon the First, on the ruins of the first French

republic, set up his imperial sway; and, though

pulled down by the hostile coalitions of Europe,

his dynasty has been revived and flourishes

under his nephew, Napoleon the Third, and upon

the ruins of the second republic. So Cromwell,

appointed the Protector of England, found it

necessary to play the part of a rigid dictator.

So Washington, in his day, might have put on

the mantle of an absolute despot; but he pre-

ferred the nobler distinction of the "Father of

his Country."

In his farewell address, as with the eye of a

prophet, he foresaw the troubles which have

come upon us, and warned against them; but

all in vain. We are now in the throes of dis-

solution and reconstruction, and whether the

end will be "the Union as it was," or a pair of